

IN THE UNITED STATES PATENT AND TRADEMARK EXAMINER

Appellant :	Todd A. Newville	Art Unit :	2683
Serial No. :	09/843,536	Examiner :	Sharad K. Rampuria
Filed :	April 20, 2001	Conf. No. :	7416
Title :	INFORMATION PORTAL		

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF ON APPEAL

(1) Real Party in Interest

The real party in interest is Gannett Satellite Information Network, Inc., a Delaware corporation having a place of business at 7950 Jones Branch Drive, McLean, Virginia as evidenced by an assignment executed April 2, 2004 and recorded at the U.S. Patent Office on April 5, 2004, at Reel/Frame 014491/0430.

(2) Related Appeals and Interferences

Neither Appellant, nor Appellant's legal representative, nor the assignee are aware of any appeals or interferences that will directly affect or be affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

No claims are allowed. Claims 3-5 have been cancelled. Claims 1-2 and 6-20 are rejected and on appeal. Of these, claims 1, 2, 19, and 20 are independent.

(4) Status of Amendments

No amendments have been made after a final rejection.

(5) **Summary of Claimed Subject Matter**

1. A communication system comprising:	Shown generally in FIG. 1.
a stationary transceiver defining an information portal in a vicinity thereof; and	Stationary transceivers (14a-n) are described on page 4, lines 6-12 as defining corresponding information portals 16a-n. These are also shown in FIG. 1.
a local server in communication with said transceiver, said local server being configured	A local server 12 is described on page 4, lines 6-12 and shown in FIG. 1.
to respond to entry of a mobile processing-system present within said information portal, and	See page 5, lines 13-16. See also page 8, lines 24-26.
to provide, to said mobile processing system, data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal.	See page 7, line 21 to page 8, line 26.

2. A communication system comprising	
a stationary transceiver defining an information portal in a vicinity thereof;	Stationary transceivers (14a-n) are described on page 4, lines 6-12 as defining corresponding information portals 16a-n. These are also shown in FIG. 1.
a local server in communication with said transceiver, said local server being configured	A local server 12 is described on page 4, lines 6-12 and shown in FIG. 1.
to identify and respond to a mobile processing-system present within said information portal, and	See page 5, lines 13-16. See also page 8, lines 24-26.

to perform a function on the basis of the identity of said mobile processing-system, said function being selected from the group consisting of:	See page 5, line 19 - page 7, line 2.
permitting building access to a portion of said building; and	See page 4, lines 22-26.
controlling an elevator in said building.	See page 4, lines 5-11.

19. A communication system comprising:	
a plurality of stationary transceivers, each configured for wireless communication with a mobile processing system present in a corresponding information portal; and	Stationary transceivers (14a-n) are described on page 4, lines 6-12 as defining corresponding information portals 16a-n . These are also shown in FIG. 1.
a server system in communication with each of said stationary receivers, said server system having a link to a global computer network and thereby providing said mobile processing system with wireless access to said global computer network said server system including a server configured to provide, to said mobile processing system	<p>A local server 12 is described on page 4, lines 6-12 and shown in FIG. 1.</p> <p>See page 7, lines 8-10 for "link to a global computer network."</p> <p>For "wireless access to said global computer network," see page 8, lines 26-31 and page 7, lines 13-16.</p>
In response to entry of said mobile processing system into an information portal, data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal.	See page 7, line 21 to page 8, line 26.

20. A method for providing a mobile processing system with wireless access to a global computer network, said method comprising:	
maintaining an information portal;	See page 4, lines 6-12.
establishing wireless communication between said mobile processing system and a server system following entry of said mobile processing system into said information portal; and	See page 5, lines 13-16. See also page 8, lines 24-26.
causing data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal to be provided to said mobile processing system, in response to entry of said mobile processing system into said information portal.	See page 7, line 21 to page 8, line 26.

(6) **Grounds of Rejection to be Reviewed on Appeal**

1. Independent claim 1 and its progeny, claims 7-18, as well as independent claim 20, stand rejected as being anticipated under § 102(b) by *Orlen*, et al., U.S. Patent 5,579,535.
2. Independent claim 2 and its dependent claim 6 stand rejected as being anticipated under § 102(b) by *Orlen*, et al., U.S. Patent 5,579,535.
3. Independent claim 19 stands rejected as being anticipated under § 102(b) by *Orlen*, et al., U.S. Patent 5,579,535.

(7) **Argument**

Anticipation

"It is well settled that anticipation under 35 U.S.C. §102 requires the presence in a single reference of all of the elements of a claimed invention." *Ex parte Chopra*, 229 U.S.P.Q. 230, 231 (BPA&I 1985) and cases cited.

"Anticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim." *Connell v. Sears, Roebuck & Co.*, 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983).

"This court has repeatedly stated that the defense of lack of novelty (i.e., 'anticipation') can only be established by a single prior art reference which discloses each and every element of the claimed invention." *Structural Rubber Prod. Co. v. Park Rubber Co.*, 223 U.S.P.Q. 1264, 1270 (Fed. Cir. 1984), citing five prior Federal Circuit decisions since 1983 including *Connell*.

In a later analogous case the Court of Appeals for the Federal Circuit again applied this rule in reversing a denial of a motion for judgment n.o.v. after a jury finding that claims were anticipated. *Jamesbury Corp. v. Litton Industrial Prod., Inc.*, 225 U.S.P.Q. 253 (Fed. Cir. 1985).

After quoting from *Connell*, "Anticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim," 225 U.S.P.Q. at 256, the court observed that the patentee accomplished a constant tight contact in a ball valve by a lip on the seal or ring which interferes with the placement of the ball. The lip protruded into the area where the ball will be placed and was thus deflected after the ball was assembled into the valve. Because of this constant pressure, the patented valve was described as providing a particularly good seal when regulating a low pressure stream. The court quoted with approval from a 1967 Court of Claims decision adopting the opinion of then Commissioner and later Judge Donald E. Lane:

[T]he term "engaging the ball" recited in claims 7 and 8 means that the lip contacts the ball with sufficient force to provide a fluid tight seal **** The Saunders flange or lip only sealingly engages the ball 1 on the upstream side when the fluid pressure forces the lip against the ball and never sealingly engages the ball on the downstream side because there is no fluid pressure there to force the lip against the ball. The Saunders sealing ring provides a compression type of seal which depends upon the ball pressing into the material of the ring. *** The seal of Saunders depends primarily on the contact between the ball and the body of the sealing ring, and the flange or lip sealingly contacts the ball on the upstream side when the fluid pressure increases. 225 U.S.P.Q. at 258.

Relying on *Jamesbury*, the ITC said, "Anticipation requires looking at a reference, and comparing the disclosure of the reference with the claims of the patent in suit. A claimed device is anticipated if a single prior art reference discloses all the elements of the claimed invention as

arranged in the claim.” *In re Certain Floppy Disk Drives and Components Thereof*, 227 U.S.P.Q. 982, 985 (U.S. ITC 1985).

Section 102 rejection of claims 1 and 20

In rejecting claim 1, the Examiner appears to have established the following correspondence between the elements recited in the claim and structures disclosed in *Orlen*:

1. A communication system comprising:	
a stationary transceiver defining an information portal in a vicinity thereof; and	Any one of the Teleport base stations 12-18 is regarded as a “stationary transceiver.” Each base station defines a coverage area, which is regarded as corresponding to the “information portal.”
a local server in communication with said transceiver, said local server being configured	Network control center 32 , which is in communication with all the Teleport base stations.
to respond to entry of a mobile processing system present within said information portal, and	A “mobile processing system” corresponds to any one of the radiotelephones 20, 22, 24
to provide, to said mobile processing system, data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal.	The “data” corresponds to “localized information” described in <i>Orlen</i> col. 5, lines 29-49 and shown in FIG. 3. This is information specific to businesses in the neighborhood of a “Teleport” base station 12-18 .

Given the above correspondence, the question to be answered is as follows:

Is the localized information requested *before* a radiotelephone **20** enters the coverage area of a Teleport base station?

The Examiner appears to regard the answer as being “yes.” For reasons set forth below, Appellant disagrees.

In FIG. 2, *Orlen* discloses a telephone that displays a map of nearby coverage regions. These coverage regions can either be the smaller ones associated with teleport base stations, or

larger ones associated with cellular radio towers. *Orlen* refers to the larger ones as "cells." *Orlen* does not have a name for the smaller ones. For convenience, they will be referred to herein as "zones."

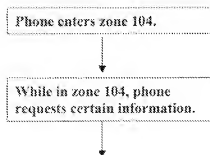
The Examiner has identified any Teleport base station as corresponding to the claimed "stationary transceiver." The claim requires that the "information portal" be defined by the "stationary transceiver. Therefore, the "information portal" must be the coverage zone of the Teleport base station.

One viewing the display shown in *Orlen*'s FIG. 2 on his telephone would recognize that his telephone is currently within the zone of whichever teleport base station the highlighted icon **104** represents, i.e. zone **104**.¹

One could then use the display in FIG. 2 to retrieve information local to another zone. In particular, by using a keypad to specify another zone, one can retrieve information local to that zone.² Examples of such local information are shown in *Orlen*'s FIG. 3.³

One who is inside zone **104** and keys in zone **102** would therefore have requested information *prior to* entering zone **102**. This information is apparently delivered to the user's telephone before the user has a chance to leave zone **104**.

Thus, *Orlen* teaches the following procedure:



¹ *Orlen*, col. 4, line 49 - col. 5, line 4.

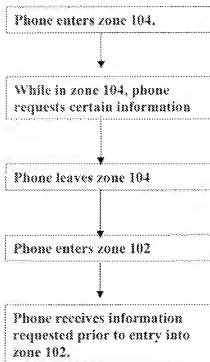
² *Orlen*, col. 4, lines 5-10.

³ *Orlen*, col. 4, lines 11-49.

While still in zone 104, phone receives the requested information

Thus, in *Orlen*, the telephone receives information that was requested *after the telephone had already entered zone 104*. *Orlen* therefore fails to teach receiving information that was requested *prior* to entry into zone 104.

The foregoing operation should be contrasted with the following sequence of events:



Claim 1 recites (with paragraphs numbered to facilitate discussion):

- [1] a stationary transceiver defining *an information portal* in a vicinity thereof
- [2] a local server in communication with said transceiver, said local server being configured

[2.1] to respond to entry of a mobile processing-system present within *said information portal*, and

[2.2] to provide, to said mobile processing system, data previously requested for said mobile processing system prior to entry of said mobile processing system into *said information portal*.

Orlen fails to anticipate this claim because the information portal in paragraphs [1] and [2.1] must be *the same portal* as that in paragraph [2.2]. The error in the Examiner's rejection is that he has used a *different portal* for paragraph [2.2].

In *Orlen*, a teleport base station defines zone 104. This zone 104 must therefore correspond to the element "an information portal" recited in paragraph [1] of claim 1.

In paragraph [2.1], the claim requires responding to entry of the telephone into zone 104. Appellant agrees that *Orlen* teaches this.

It is in paragraph [2.2], that Appellant and Examiner disagree. Paragraph [2.2] requires that the telephone receive data that was requested *before* the telephone entered "*said information portal*," i.e. zone 104. But in *Orlen*, the telephone requests information *after* it has already entered zone 104.

The Examiner's appears to have identified zone 104 with "information portal" in paragraphs [1] and [2.1]. But in paragraph [2.2], the Examiner has made zone 102 be "said information portal." This is improper. Having defined zone 104 as "an information portal" in paragraph [1], the same zone 104 must play the role of "information portal throughout the claim.

By way of analogy, there is a distinction between (1) ordering a meal after one sits down at a restaurant, and (2) calling ahead to order the meal, and receiving it when one reaches the restaurant. *Orlen* is more like the former, whereas the claim recites something more like the latter.

Orlen fails to teach a network control center **32** sending data to a telephone in cell **104** that was requested prior to entry of that telephone into the *same cell 104*. In *Orlen*, the data was requested while the telephone was *already* in cell **104**. What *Orlen* discloses is the network control center **32** providing data to a telephone in cell **104** with that data having been requested *after* entry into cell **104**, not "*prior* to entry" into cell **104**.

In responding to the above argument, the Examiner has stated that since the cell is bigger than a zone, it follows that zones **102** and **104** could be in the same cell.⁴

A cell is not defined by the Teleport base station. Hence, a cell cannot be an "information portal" because claim 1 requires "a stationary transceiver defining an information portal in a vicinity thereof." It is therefore irrelevant that zones **102** and **104** might be in the same cell.

Claim 20 includes limitations similar to claim 1. Accordingly, Claim 20 is patentable for at least the reasons set forth above in connection with claim 1.

Section 102 rejection of claim 19

Claim 19 recites limitations similar to claim 1 and is patentable for at least the same reason. However, claim 19 also recites a server system that has "a link to a global computer network."

The Examiner appears to regard *Orlen's* terminal **40** (shown in FIG. 1) as being a global computer network, or at least a computer in communication with a global computer network.

There is no disclosure in *Orlen* that the terminal **40** is in communication with a global computer network. As best understood, the terminal **40** is used only for data entry of local information into the network control center **32**.⁵

In addition, claim 19 requires that any "link to a global computer network" be one that provides the mobile processing systems with "wireless access to said global computer network."

Nothing in *Orlen* suggests that cell phones **20-24** have wireless access to anything but the network control center **32**.

⁴ *Final Action*, page 7.

⁵ *Orlen*, beginning at col. 3, line 60.

Accordingly, the § 102 rejection of claim 19 is improper because *Orlen* fails to disclose each and every limitation of the claim.

The Examiner has stated, in response, that it is well known in the art to provide a computer with a link to a global computer network.⁶

A § 102 rejection requires that each and every claim limitation be found in the cited reference.

In this case, the Examiner appears to concede that *Orlen* fails to disclose a computer with a link to a global computer network but that such links were known in the art at the time the invention was made.

Appellant submits that the § 102 rejection is improper because *Orlen* fails to disclose the limitation of a server system "having a link to a global computer network."

Moreover, in the Final Examiner Action, the Examiner did not address the point that *Orlen* failed to teach a server system that provided the mobile processing systems with "wireless access to said global computer network."

Accordingly, in addition to the reasons set forth in connection with claim 1, claim 19 is patentable because *Orlen* fails to teach

- (1) a server system with a link to a global computer network; and
- (2) a server system that provides the mobile processing systems with wireless access to the global computer network.

Section 102 rejection of claim 2

Claim 2 recites having a local server that either permits "building access to a portion of said building" or that controls "an elevator in said building."

The Examiner apparently considers the text at *Orlen* column 9, lines 3-37 as disclosing controlling building access or controlling an elevator. For convenience, this text is reproduced below:

Cursor keys 632, 634, 636, 638 enable the portable radiotelephone subscriber to select an icon when the positional information, i.e., the coverage map 100, is displayed, as described above. Upon selection of an icon, localized information pertaining to the associated telepoint base station is displayed, preferably as a

⁶ Final Office Action, page 8.

directory or an image generated from graphic primitives as defined by the user interface. A typical 'directory' level display is shown on LCD display 630, and includes such directory entries as 'area shopping guide', 'movie guide', 'local attractions' guide, 'restaurant guide', 'medical services' directory, 'service station' directory, 'church' directory, and 'arts and entertainment' guide. The 'directory' level display is typical of a first portion of the localized information which would be transmitted upon request to the portable radiotelephone. Cursor keys 632, 634, 636 and 638 further enable the portable radiotelephone subscriber to select from particular categories which are representative of the telepoint base station geographic location, and which can vary from telepoint base station to telepoint base station in located different geographic areas. In particular, cursor keys 632 and 634 enable movement up and down within the directory or menu. Cursor keys 636 and 638 enable movement within a particular menu item, such as would be required when reading a lengthy message. As each menu, or level, of information is received from the telepoint base station, particular information can be saved within the portable radiotelephone using the 'SAVE' key 640. The 'SELECT' key initiates each data communications session with the telepoint base station when the DATA mode is selected, and further enables the recovery of selected localized information, when the portable radiotelephone is in the voice mode, thereby allowing retrieval and review of information which has been received and stored while the portable radiotelephone was in range of a telepoint base station, as will be described below.⁷

In citing the above passage, the Examiner may have construed "key" broadly as referring to something that provides building access when inserted into a keyhole.

The "keys" referred to in the cited text are simply keys one presses on a keypad 602 (see *Orlen*, FIG. 7), not keys that provide building access. Appellant submits that in the context of *Orlen*, a construction of "key" that includes the key one inserts into a lock is unreasonable.

Moreover, to the extent one accepts the Examiner's proposed construction of key, the above passage only teaches "cursor keys", a "SAVE key" and a "SELECT key." Neither "cursor," "SAVE," nor "SELECT" are species of buildings. Hence, the keys disclosed in *Orlen* are not keys that provide building access.

In citing the above passage, the Examiner may have construed "level" as having something to do with elevators, which move passengers between floors, or "levels" of a building.

The "levels" referred to in the cited text refer to levels of a menu hierarchy, not to levels of a building that one might reach by elevator.

In citing the above passage, the Examiner may have noted a reference to

⁷ *Orlen*, col. 9, lines 3-37.

"cursor keys 632 and 634 [that] enable movement up and down"⁸

The passage actually refers to pressing keys on the hinged keypad cover 628 shown in *Orlen's* FIG. 7 to move up and down within a menu display on an LCD display 630. It has nothing to do with inserting a "cursor key" into an elevator to cause the elevator to move up and down.

Appellant submits that the Examiner has misunderstood *Orlen* and that nothing in *Orlen* remotely suggests controlling either building access or elevators. Accordingly, the §102 rejection is improper.

In the Final Office Action, the Examiner states that

"*Orlen* supports the declaration as a cursor key which controls the several categories of the localized information in a geographic area which could be an elevator area also, and it is well known in the art that the cursor key could be a controller key for an elevator in the same network."⁹

Appellant is unable to understand what the Examiner is attempting to communicate. However, the phrase "it is well known in the art that" suggests that the Examiner regards *Orlen* as lacking disclosure of a cursor key being "a controller key for an elevator in the same network."

A §102 rejection requires disclosure of each and every claim limitation in the same reference. Since *Orlen* apparently fails to disclose a cursor key being "a controller key for an elevator in the same network," a rejection under §102 is improper.

Claim 6 depends on claim 2 and is allowable for at least the same reasons, as well as reasons set forth below.

Section 102 rejection of claim 6

Claim 6 recites the additional limitation of:

"an access control unit in communication with said local server, said access control unit being controlled by said local server on the basis of the identity of said mobile processing-system."

⁸ *Orlen*, col. 9, lines 22-23.

⁹ *Final Office Action*, page 9

The Examiner states that claim 6's "access control unit" is disclosed in *Orien* col. 3, lines 13-34. This text reads as follows:

Portable radiotelephone handsets suitable for use in a CT-2 systems are well known in the art, such as the SILVERLINK.TM. 2000 Personal Telephone manufactured by Motorola Inc. Telepoint base stations suitable for use in a CT-2 systems are also well known in the art, such as the SILVERLINK.TM. Telepoint Base Station manufactured by Motorola Inc. Such portable radiotelephone handsets and telepoint base stations provide voice communication utilizing the well known CT2/CAI communication protocol.

As calls are originated by the radiotelephone handsets, or portable radiotelephones, the calls are logged for billing purposes, among other things, by the telepoint base station, or transceiver station, through which the call is placed. Periodically, such as once a day, the call information collected at each of the telepoint base stations 12, 14, 16 and 18 is transferred to a central control point, such as the network control center 32. One such network control center is the Motorola Network Control Center (MNCC) and Business Management and Billing System (BMBS) for Public Telepoint Systems, which provides, among other things, automatic supervision of all system base stations and flexible billing cycles and automatic entry of recurring charges.¹⁰

The cited text discusses: radiotelephones, the network control center 32, and base stations 12, 14, 16, 18. All of these structures have already been assigned to corresponding claim elements. In particular:

- 1) each radiotelephone has already been assigned to be a claimed "mobile-processing system."
- 2) the network control center 32 has already been assigned to be the claimed "local server;"
- 3) each base station 12, 14, 16, 18 has already been assigned to be a claimed "stationary transceiver;"

It is therefore unclear what remains in the cited passage of *Orien* that one might possibly construe as an "access control unit" that is both (1) in communication with the network control center 32, and (2) controlled on the basis of an identity of a radiotelephone.

Section 102 rejection of claim 8

Claim 8 recites the additional limitation that the stationary transceiver be

¹⁰ *Orien*, col. 3, lines 13-34.

"disposed at a location selected from the group consisting of an elevator, a building lobby, and a vehicle"

The cited text at column 9, lines 3-37¹¹ states only that the base stations are located in different geographic areas. This does not amount to a teaching that a base station 12 is, for example, in an elevator. Certainly, two base stations 12, 14 can be in "different geographic areas" without one having to be in an elevator.

The Examiner has stated in response to the foregoing argument that

"*Orlen* supports the declaration as a base station, which is could be situated in an elevator or a building also, and it is well known in the art."¹²

As best understood, the Examiner concedes that *Orlen* fails to disclose a base station in an elevator, a building lobby or a vehicle. The Examiner's position appears to be that placing the base station as claimed would have been well known in the art at the time the invention was made.

A §102 rejection requires that each and every limitation be disclosed by the cited reference. The Examiner concedes that *Orlen* fails to disclose a base station located as claimed. Accordingly, *Orlen* fails to disclose at least this limitation of the claim. Therefore, the §102 rejection is improper.

Section 102 rejection of claims 9 and 10

Claim 9 recites the additional limitation that

"said local server and said stationary transceiver are in communication across a local area network."

The Examiner has already indicated that claim 1's "local server" is the *Orlen* network control center 32 and that claim 1's "stationary transceiver" is one of the transceivers 12, 14, 16, 18 in FIG. 1 of *Orlen*.

¹¹ Quoted earlier in connection with claim 2.

¹² *Final Office Action*, page 10.

According to FIG. 1, the network control center **32** and the transceivers **12**, **14**, **16**, **18** are in communication over the PSTN **30**. But the PSTN is not a "local area network" as recited in claim 9. It is a public switched telephone network.¹³

The cited text at column 5, lines 11-28 essentially states that cordless telephones provide wireless access to the telephone network **30**. There is no discussion either in the cited text or in FIG. 3 about how the network control center **32** communicates with the transceivers **12-18**. In particular, there is nothing to contradict FIG. 1's representation of the transceivers **12-18** and the network control center **32** as being in communication through the PSTN **30** rather than "across a local area network."

It is apparent that the § 102 rejection of claim 9 is improper because *Orien* fails to disclose each and every limitation of claim 9.

Claim 10 is identical to claim 9 except for the additional limitation of wireless communication between the local server and the stationary transceiver. The § 102 rejection of claim 10 is therefore improper for the same reasons discussed above.

Section 102 rejection of claim 11

Claim 11 recites the additional limitation of

"a fulfillment server in communication with said local server, said fulfillment server having access to a wide area network."

Since the claimed "local server" is deemed to correspond to the network control center **32** shown in *Orien*'s FIG. 1, whatever structure corresponds to the claimed "fulfillment server" ought to be in communication with the network control center **32**.

Inspection of FIG. 1 reveals that the only structures in communication with the network control center **32** are: (1) the PSTN **30**; (2) a modem **42**; (3) an ISDN **44**; and (4) a paging transmitter **46**. None of these devices could reasonably be characterized as a server, much less a

¹³ *Orien*, col. 2, lines 54-55.

"fulfillment server." Moreover, none of the above four devices have "access to a wide area network".

The Examiner states that *Orlen* teaches the fulfillment server between column 3, line 66 and column 4, line 26. But the cited text merely describes the way data is entered into the network control center 32 and later distributed to all the transceivers 12-18. Nothing in the cited text suggests a fulfillment server that: (1) is in communication with the network control center 32; and (2) has "access to a wide area network."

It is apparent therefore that the § 102 rejection of claim 11 is improper.

Section 102 rejection of claim 12

Claim 12 recites the additional limitation of a local server that includes

"a cache for temporary accumulation of information from said fulfillment server to be relayed to said mobile processing system."

The Examiner's remarks suggests that a cache is somehow inherent in the data-entry terminal 40. Since claim 12 recites "said local server comprises a cache," it must follow that the Examiner regards the terminal 40 as the claimed "local server."

But, as is apparent from FIG. 1, the terminal 40 is not even in communication with any transceiver 12, 14, 16, 18 as required by claim 1. Hence, the terminal 40 cannot possibly be regarded as a "local server."

Moreover, if the terminal 40 were deemed to be a "local server," then it ought to be in communication with a "fulfillment server" so that it can temporarily accumulate information to be relayed to the telephones 20-24. But there is no fulfillment server shown in FIG. 1. Nor is anything like a fulfillment server disclosed in the specification.

Accordingly, there appears to be no structure that could reasonably correspond to the local cache as claimed. The §102 rejection of claim 12 is therefore improper.

Section 102 rejection of claim 13

Claim 13, which depends on claim 11, recites the additional limitation that the

"wide area network comprises a global computer network."

To support the rejection of claim 13, the Examiner cites the same text as was cited in claim 12. But nothing in that text suggests the existence of a global computer network. Accordingly, the §102 rejection of claim 13 is improper.

Section 102 rejection of claim 14

Claim 14 recites the additional limitation that

"said fulfillment server includes a user-interface for enabling a user to cause said fulfillment server to collect selected information."

According to the Examiner, the keypad on the radiotelephones in *Orien* amount to such a user interface.

However, the keypad in the cited text is a user interface of the radiotelephone, not of a fulfillment server.

Unless the Examiner is now proposing that the radiotelephones are in fact fulfillment servers, there appears to be no structure in *Orien* to correspond to a fulfillment server.

Claims 15-18 all depend on claim 14 and are allowable for at least the same reasons.

Summary

Please apply the \$500 brief fee and any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 09651-014001.

Appellant : Todd A. Newville
Serial No. : 09/843,536
Filed : April 25, 2001
Page : 19 of 25

Attorney's Docket No.: 09651-014001

Respectfully submitted,

Date: January 22, 2007

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

21539167.doc



Faustino A. Lichauro
Reg. No. 41,942

Appendix of Claims

1. A communication system comprising:
 - a stationary transceiver defining an information portal in a vicinity thereof; and
 - a local server in communication with said transceiver, said local server being configured
 - to respond to entry of a mobile processing-system present within said information portal, and
 - to provide, to said mobile processing system, data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal.
2. A communication system comprising
 - a stationary transceiver defining an information portal in a vicinity thereof;
 - a local server in communication with said transceiver, said local server being configured
 - to identify and respond to a mobile processing-system present within said information portal, and
 - to perform a function on the basis of the identity of said mobile processing-system, said function being selected from the group consisting of:
 - permitting building access to a portion of said building; and
 - controlling an elevator in said building.
6. The communication system of claim 2, further comprising an access control unit in communication with said local server, said access control unit being controlled by said local server on the basis of the identity of said mobile processing-system.

7. The communication system of claim 1, wherein said stationary transceiver is selected from the group consisting of a radio transceiver, an optical transceiver, an infrared transceiver, and an acoustic transceiver.
8. The communication system of claim 1, wherein said stationary transceiver is disposed at a location selected from the group consisting of an elevator, a building lobby, and a vehicle.
9. The communication system of claim 1, wherein said local server and said stationary transceiver are in communication across a local area network.
10. The communication system of claim 1, wherein said local server and said stationary transceiver are in wireless communication across a local area network.
11. The communication system of claim 1, further comprising a fulfillment server in communication with said local server, said fulfillment server having access to a wide area network.
12. The communication system of claim 11, wherein said local server comprises a cache for temporary accumulation of information from said fulfillment server to be relayed to said mobile processing system.
13. The communication system of claim 11, wherein said wide area network comprises a global computer network.
14. The communication system of claim 11, wherein said fulfillment server includes a user-interface for enabling a user to cause said fulfillment server to collect selected information.
15. The communication system of claim 14, wherein said fulfillment server is configured to provide said selected information to said local server when said local server identifies, within said information portal, a mobile processing unit associated with said user.

16. The communication system of claim 14, wherein said fulfillment server includes a user-interface for enabling a user to cause said fulfillment server to detect an occurrence of a condition.
17. The communication system of claim 16, wherein said fulfillment server is configured to provide information indicative of an occurrence of said condition to said local server when said local server identifies, within said information portal, a mobile processing unit associated with said user.
18. The communication system of claim 16, wherein said fulfillment server is configured to provide interactive services to said mobile processing unit.
19. A communication system comprising:
 - a plurality of stationary transceivers, each configured for wireless communication with a mobile processing system present in a corresponding information portal; and
 - a server system in communication with each of said stationary receivers, said server system having a link to a global computer network and thereby providing said mobile processing system with wireless access to said global computer network said server system including a server configured to provide, to said mobile processing system, in response to entry of said mobile processing system into an information portal, data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal.
20. A method for providing a mobile processing system with wireless access to a global computer network, said method comprising:
 - maintaining an information portal;
 - establishing wireless communication between said mobile processing system and a server system following entry of said mobile processing system into said information portal; and

causing data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal to be provided to said mobile processing system, in response to entry of said mobile processing system into said information portal.

Appellant : Todd A. Newville
Serial No. : 09/R43,536
Filed : April 25, 2001
Page : 24 of 25

Attorney's Docket No.: 09651-014001

Evidence Appendix

None

Appellant : Todd A. Newville
Serial No. : 09/843,536
Filed : April 25, 2001
Page : 25 of 25

Attorney's Docket No.: 09651-014001

Related Proceedings Appendix

None